

### Remarks/Arguments

The foregoing amendments are made to the claim set (amendments included) submitted on November 15, 2009. The Applicant submits that no new matter has been added by this amendment, which has been submitted merely to further define what the Applicant attends to claim. By way of the present amendment, new claims 74-77 have been added. The written description has also been amended and new drawings 16-18 have been added.

In the written description, the Examiner previously objected to the amendment filed April 21, 2009 for introducing new matter. The Examiner stated that the deletion of the sections "Technical Field, Background, and Summary of the Invention" was equivalent to adding new matter. In order to further the prosecution the Applicant has reintroduced the deleted material throughout the written description. However, it has been added in a manner that clarifies the written description, rather than as specific sections labeled "Technical Field, Background, and Summary of the Invention," which are not *required* sections of a patent application. The Applicant asserts that no new matter has been added by the amendment and respectfully requests that new matter rejection be withdrawn.

With respect to the new claims added by this amendment, the Applicant has added claims 74-77, which are directed to a topple resistant receptacle for

use with a ladder. The receptacle includes a ladder hook and is adapted to be positioned between ladder rungs in a manner such that it is stable and easily accessible by a user. As noted in the response submitted November 15, 2009, none of the art of record teaches or suggests a receptacle having a ladder hook for use with a ladder, as claimed. Thus, the Applicant respectfully requests that new claims 74-77, as well as the previously presented claims be passed to allowance.

In view of the foregoing amendments and remarks, Applicant respectfully requests that all prior rejections be reversed, and all remaining claims pass to allowance and eventual issuance. With respect to the dependent claims that have not been addressed individually, the Applicant asserts that they are patentable as they are based upon patentable independent claims. Should the Examiner should have any additional questions or concerns regarding this matter, he is cordially invited to contact the undersigned at the number provided below.

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Respectfully submitted,

/RMT/

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